

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SPHERE 3D CORP.,

Plaintiff and Counterclaim-Defendant,

v.

GRYPHON DIGITAL MINING, INC.,

Defendant and Counterclaim-Plaintiff

Civil Action No. 1:23-cv-02954-
PKC

**NOTICE OF GRYPHON DIGITAL MINING, INC.'S UNOPPOSED MOTION
FOR THE ISSUANCE OF LETTERS ROGATORY TO OBTAIN EVIDENCE IN
CANADA**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law and the Declaration of Dennis H. Tracey, III, dated August 29, 2024, Defendant and Counterclaim-Plaintiff Gryphon Digital Mining, Inc. (“Gryphon”), by and through its undersigned counsel, will move this Court, before the Honorable Valerie Figueredo, on such date and at such time as the Court may direct, for the issuance of letters rogatory for international judicial assistance from the appropriate judicial authorities in Canada to take oral testimony from Peter Tassiopoulos and Mark Edward Valentine and such other and further relief as the Court deems just and proper. A proposed order is also filed with this Notice of Motion.

Dated: August 29, 2024

By: /s/ Dennis H. Tracey, III
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